



PUBLIC NOTICE

Federal Communications Commission
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DA 07-3789
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COMMENT SOUGHT ON TWO APPLICATIONS FOR REVIEW OF THE WIRELINE COMPETITION BUREAU'S ORDERS DENYING AMERICAN CYBER CORP., *ET AL.* AND AMERICAN TELECOMMUNICATIONS SYSTEMS, INC. REQUESTS FOR REVIEW OF UNIVERSAL SERVICE ADMINISTRATOR DECISIONS

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comment Date: September 13, 2007

Reply Comment Date: September 28, 2007

On April 11, 2007, American Cyber Corp., Coleman Enterprises, Inc., Inmark, Inc. d/b/a Preferred Billing, Lotel, Inc. d/b/a Coordinated Billing, and Protel Advantage, Inc. (*ACC et al.*) jointly filed an application for review of the Wireline Competition Bureau's (Bureau) order released on March 12, 2007, denying their requests for review of the decisions of the Universal Service Administrative Company (USAC) concerning contribution obligations to the Universal Service Fund (USF).¹ On April 12, 2007, American Telecommunications Systems, Inc. (ATS) also filed an application for review of the Bureau's order released on March 14, 2007, denying its request for review of the decision of USAC concerning its contribution obligations.² *ACC et al.* and ATS both argue in their petitions that the contribution obligations of another carrier with which they are contractually related relieves them of their universal service obligations.³ *ACC et al.* requests that the Commission reconsider the Bureau's *March 12 Order* and direct USAC to withdraw the disputed billings.⁴ ATS requests that the Commission

¹ See *Application for Review by American Cyber Corp., Coleman Enterprises, Inc., Inmark, Inc. d/b/a Preferred Billing, Lotel, Inc. d/b/a Coordinated Billing, and Protel Advantage, Inc. (ACC et al.)*, CC Docket No. 96-45 (filed Apr. 11, 2007) (*ACC Petition*); see also *Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Petition for Review American Cyber Corp., Petition for Review Coleman Enterprises, Inc., Petition for Review Inmark, Inc., d/b/a Preferred Billing, Petition for Review Lotel, Inc., d/b/a Coordinated Billing, Petition for Review Protel Advantage, Inc.*, CC Docket No. 96-45, CC Docket No. 02-6, Order, 22 FCC Rcd 4925 (rel. Mar. 12, 2007).

² See *Application for Review by American Telecommunications Systems, Inc.*, CC Docket No. 96-45 (posted July 24, 2007) (*ATS Petition*); see also *Federal-State Joint Board on Universal Service, American Telecommunications Systems Inc., Equivoice, Inc., Eureka Broadband Corporation, TON Services, Inc., Value-Added Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 5009 (rel. Mar. 14, 2007) (*Reseller Order*).

³ See *ACC Petition* at 4; *ATS Petition* at 7.

⁴ See generally *ACC Petition*. Unlike ATS, *ACC et al.* has not paid the invoices at issue in its petition.

reconsider the Bureau's *March 14 Order* and direct USAC to refund ATS' disputed contribution payments.⁵

The Commission seeks comment on the petitions of ACC *et al.*'s and ATS. Interested parties may file **comments on or before September 13, 2007** and **reply comments on or before September 28, 2007**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

⁵ See generally *ATS Petition*.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563; and
- (2) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (3) Gregory Guice, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5B-550, Washington, D.C. 20554; e-mail: greg.guice@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁷ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁸

For further information, please contact Thomas Buckley or Gregory Guice, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-7400 or TTY (202) 418-0484.

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⁶ 47 C.F.R. §§ 1.1200 *et seq.*

⁷ *See* 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).